



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 18 2004

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**BY FACSIMILE AND  
FIRST CLASS MAIL**

The Honorable Togiola T. A. Tulafono  
Governor of American Samoa  
Office of the Governor  
Pago Pago, AS 96799

Re: Request for Exercise of Enforcement Discretion for Gasoline Sulfur Regulations  
for the Territory of American Samoa

Dear Governor Tulafono:

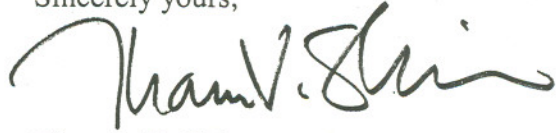
I am writing in response to your February 10, 2004 letter, on behalf of the Territory of American Samoa, and the related request by the Environmental Protection Agency (EPA) Region 9, that the Office of Enforcement and Compliance Assurance (OECA) exercise its discretion not to enforce 40 C.F.R. part 80, subpt. H (Gasoline Sulfur Regulations) in American Samoa, during the period of time it takes EPA's Office of Air and Radiation (OAR) to complete the promulgation of a rule exempting American Samoa from the Gasoline Sulfur Regulations.

OAR has concluded that the use of gasoline that does not comply with the Gasoline Sulfur Regulations in American Samoa would not result in adverse environmental effects. For this and other reasons, OAR has committed to issue a rule to exempt American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI) from the Gasoline Sulfur Regulations. OAR believes that this exercise of enforcement discretion will help to ensure an adequate supply of gasoline to your area during this period due to the potential unavailability, based on your geographic location, of a low sulfur supply of gasoline.

Accordingly, I am approving this "no action assurance" to bridge the gap between the current requirements of the Gasoline Sulfur Regulations and OAR's finalization of a rule exempting American Samoa from the Gasoline Sulfur Rule. OECA will exercise its enforcement discretion to allow regulated parties to supply gasoline that does not comply with the Gasoline Sulfur Regulations to the American Samoa effective immediately until November 1, 2005, or until the exemption by rule is finalized, whichever is earlier.

If you have questions, please call Mr. Adam M. Kushner, Acting Director of the Air Enforcement Division, at (202) 564-7979.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas V. Skinner". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas V. Skinner  
Acting Assistant Administrator

cc: Jeffrey Holmstead  
Assistant Administrator  
Office of Air and Radiation  
202-501-0986 (FAX)

Wayne H. Nastri,  
Regional Administrator  
Region 9  
415-947-3588 (FAX)

Peter Peshut  
Acting Director  
American Samoa Environmental Protection Agency  
P.O. Box PPA  
Pago Pago, AS 96799

American Petroleum Institute  
202-682-8031 (FAX)

National Petroleum Refiners Association  
202-457-0486 (FAX)

Petroleum Marketers Association of America  
703-351-9160 (FAX)